

### REMARKS

Reconsideration of the application is requested.

Claims 1-16 remain in the application. Claims 1-16 are subject to examination. Claims 1, 9, 11, 13 and 16 have been amended.

Under the heading "Claim Rejections - 35 USC § 102" on pages 2-4 of the above-identified Office Action, claims 1-16 have been rejected as being fully anticipated by U.S. Patent Disclosure No. 2002/0198028 A1 to Tsumura (hereinafter Tsumura) under 35 U.S.C. § 102.

Tsumura pertains to an entirely different method of notifying an apparatus in a network than that of the instant application. Tsumura pertains to a network of an onboard system 70 with a plurality of optical communication devices (interfaces) 36 connected thereto and mobile telephones 50 as subscribers, which are also provided with an optical communication device 64. The data transmission between the optical communication devices 36 of the onboard system 70 and the mobile telephones 50 as net subscribers occurs, in normal operation, in an optical manner, so that within a room (e.g. train, bus, airplane), in which the network is installed, no radio service is permitted, which could possibly endanger safety.

The announcement of the subscribers, i.e. the mobile telephones 50, occurs, when the person carrying the mobile telephone 50 enters the room (train, bus, airplane), via an access detection unit 34 in the vicinity of the doors of the room. The announcement of new subscribers, however, does not occur in an optical manner, but via a radio communication between the mobile telephone 50 and the access detection unit 34, because the mobile telephone 50 communicates per radio in normal operation prior to entering the protected room, and is switched to the operation mode with optical communication only via the access detection unit 34 (i.e. after corresponding radio communication therewith) (see paragraph 0049). In other words, In Tsumura, the individual apparatus announces itself to the system via a radio link. After the announcement, the apparatus is instructed to switch over to an optical communications mode for all further communication activities while within the restricted area (e.g. train, plane, bus, etc.).

In contrast, according to claim 1 of the instant application, the individual apparatus announces itself to the system using optical communication and thereafter works via a radio network for follow-on communications. In other words, the instant application works opposite to that of Tsumura which announces by radio and further communications is by an optical system.

Therefore, Tsumura does not anticipate claim 1 of the instant application since they function opposite of each other.

Claim 1 of the instant application has been amended to distinguish itself and recites that further information is communicated through radio communications after the announcing is performed via optical communications. Clearly, Tsumura teaches against this concept.

It is further noted that independent claims 10, 11 and 14 further recite that the announcement function is performed via optical communication. Claim 11 has been amended to recite that the announcing function is only performed by optical communication.

It is further noted that claims 9, 13, and 16 of the instant application have been amended to recite that the system reports information relating to at least one of electricity consumption, water consumption, gas consumption and heat cost data. Support for this change is found from page 9, line 23 to page 10, line 9 of the specification of the instant application. As Tsumura relates only to a mobile telephone, it cannot anticipate a method or device relaying such consumption data.

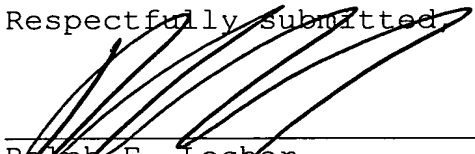
It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 10, 11, or 14. Claims 1, 10, 11 and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on one of claims 1, 11 and 14.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg Stemer, LLP, No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer, LLP, No. 12-1099.

Respectfully submitted,



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